TEXAS COMMISSION ON ENVIRONMENTAL QUALITY INNOCENT OWNER/OPERATOR PROGRAM (IOP) APPLICATION INSTRUCTIONS

The information provided on the Innocent Owner/Operator Program (IOP) Application and the Site Investigation Report (SIR) will be used to determine an Applicant's eligibility to receive an IOP Certificate. It is imperative that the application be complete and accurate; otherwise, the Texas Commission on Environmental Quality (TCEQ) may determine that the Application provides inconclusive information and that it cannot issue an IOP Certificate. The Application must include an attached SIR with information sufficient for the TCEQ to determine the Applicant's Innocent Owner/Operator status.

General Site Information

This section requests site specific information and should be completed in the greatest detail possible.

Applicant(s)

Applicants requesting an IOP Certificate must own or operate the site before it can be issued. Applicant A should be the person who is requesting the IOP Certificate and who agrees to pay agency oversight costs. In addition to the Applicant's name and address, please describe the Applicant's interest in the property (e.g., owner, tenant, potential purchaser, etc).

If billing should be directed to another person or address, please provide this information in the Billing Information Section on page 3. IOP project manager hours expended in reviewing the Application are charged against the \$1,000 application fee based upon an annually calculated billing rate. In September of each year, an estimate of the costs recoverable to administer the IOP are calculated and the resulting billing rate is published in the <u>Texas Register</u>.

Current Site Owner

If the current site owner is not included as an Applicant (i.e., the prospective owner or operator is the applicant), then provide the requested information for the current site owner.

Person From Whom Site Was Acquired

Information regarding the prior owner or operator and their activities at the site should be included in the Application to aid in TCEQ assessment of potential contamination sources.

Other Contacts

If others are involved in the IOP certification process, such as an environmental consultant or legal representative, please provide the requested information for this person. This should be in the Applicant's determination, the person with the greatest capability to provide site specific information and make decisions related to the IOP application.

Billing Information

If the billing is to be directed to someone other than Applicant A, provide the requested information and have that person sign, indicating their consent to payment of the TCEQ oversight costs.

Current Property Use

Check the correct category or provide a more appropriate description under "Other". If the property is divided into more than one use category, indicate this by providing the percent of the land area used for each land use category.

Involvement with Other Regulatory Programs

Describe in detail any contact with other state or federal regulatory programs. Please provide names, dates, inspections, permit numbers and any actions taken as a result of these contacts. It is especially important to describe any order, notice of violation, permit or inspection related to the Site, as this may directly impact the eligibility of the Site for participation in the IOP. If there has been no prior contact with any state or federal environmental regulatory agency, this must also be clearly indicated. This section must not be left blank.

Site Investigation Report (SIR)

The SIR must be enclosed with the IOP application form. It is very important that the SIR conform to the IOP SIR Checklist.

Basis for Seeking Certification

The purpose of this section is to provide information to the TCEQ which describes the basis under which the Applicant is requesting an IOP Certificate: §361.751(2) or under §361.752(b) of the Texas Solid Waste Disposal Act.

Adjacent Property Information

The purpose of this section is to provide adjacent landowner information to the TCEQ. The Applicant(s) is required to notify adjacent landowners that the Applicant has applied for an IOP Certificate through the TCEQ. As shown in the example notice form letter attached to the application form, the notice should include the names of all the persons or entities seeking an IOP Certificate, a statement that all IOP application information is public record and as such can be viewed or copied at the TCEQ, and that adjacent landowners may submit at their discretion, any additional information regarding the subject IOP site for further TCEQ review. Adjacent landowners that wish to respond to the notice must do so within 14 days of notice receipt. The IOP Applicant must submit copies of the notice letter and the signed receipts indicating that delivery occurred, to the TCEQ within 7 days after receipt of the these documents.

How Long Does it Take to Process Applications?

Applications will be processed in less than 45 days. If the submitted application is determined to be incomplete, the TCEQ will provide the Applicant with a list of items needed to make the application complete or reasons why the information provided in the application was insufficient for issuance of a certificate.

Revised 8/14/98

ATTENTION: Please do not submit this application without attaching a CORE Data Form (TNRCC-10400). If you do not submit this form, TCEQ will not be able to process the application in a timely manner. You may find this form at:

http://www.tceq.state.tx.us/permitting/projects/cr/10400.pdf

TNRCC - 10019 (Rev. 08/02)

OFFICE USE ONLY
PCA number:
IOP Project number:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY INNOCENT OWNER/OPERATOR PROGRAM

Program Application

Please complete this form and Texas Commission on Environmental Quality (TCEQ) Form 10400 to request certification from the TCEQ's Innocent Owner/Operator Program (IOP) pursuant to Subchapter V of the Texas Solid Waste Disposal Act (SWDA) and the IOP Certification Rules (30 Texas Administrative Code - Subchapter B). Please enclose a Site Investigation Report (SIR) with this form which conforms to the information requested in the IOP SIR Checklist. You may download this document, TCEQ Form 10400 and all other IOP forms via the Internet at http://www.tceq.state.tx.us/permitting/remed/vcp/iop.html.

Complete <u>all</u> applicable sections. The TCEQ may deny issuance of an Innocent Owner/Operator Certificate (IOC) if this application is incomplete. Please refer to the IOP Application Instructions or call the TCEQ's Voluntary Cleanup Section at (512) 239-5891 with any questions concerning the completion of this form.

or call the TCEQ's Voluntary Cleanup Section at (5 completion of this form.	512) 239-5891 with any	questions concerning the
General Site Information		
Site Name Site Size (acres)		
Regulated Entity Reference No. (if issued): CN		
Applicant(s)		
Applicant A (The person or entity requesting issume the primary contact person for receipt of TCEQ of Manager is notified otherwise in writing. Applicant review and oversight, unless indicated otherwise	correspondence, unles t A is responsible for pa	s the TCEQ IOP Project ayment of TCEQ costs of
Applicant		
Contact Person	I Itle	
Customer Reference No. (if issued): CN Organization		
Organization	_ Phone <u>()</u>	Fax ()
Interest in Site (please check): Current owner	Current operator _	Prospective owner
Prospective operator Source property		
Other (please describe):		To receive copies
of TCEQ correspondence? Yes No		

Applicant	
Contact Person	Title
Customer Reference No. (if issued): CN	
Organization	Phone () Fax ()
Interest in Site (please check): Current owner	Phone () Fax () Current operator Prospective owner
Prospective operator Source prop	erty owner Source property operator
Other (please describe):	
Other (please describe):	Yes No
Applicant C (An additional person or entity req Applicant	uesting issuance of an IOC from the TCEQ).
Customer Deference No. (if issued): CN	Title
Organization	Dhone () Foy ()
Interest in Site (places shock). Current owner	Phone () Fax () Current operator Prospective owner
interest in Site (please check). Current owner	Current operator Prospective owner
	erty owner Source property operator
Other (please describe):	Voc. No.
To receive copies of TCEQ correspondence?	res NO
Owner(s)	
Contact Person	Title
Organization	Phone () Fax () To
receive copies of TCEQ correspondence? Yes	s No
IMPORTANT - Please attach a completed for current site owner. Other Contacts (Consultant/Attorner)	form TCEQ-10400 for each applicant and the
Name(s)	Title
Name(s)Organization	_ Phone <u>() Fax ()</u>
Address	
City State	Zip Code
To receive copies of TCEQ correspondence?	YesNo
Name(s)	Title
Organization	Phone () Fax ()
Address	
City State	Zip Code
City State To receive copies of TCEQ correspondence?	Yes No

Applicant B (An additional person or entity requesting issuance of an IOC from the TCEQ).

Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to payment of TCEQ review and oversight costs.

Name(s)	l itle			
Organization	Phone	()	Fax ()
Address				
City State _		Zip Code	}	
Federal Taxpayer Identification Number				
Signature of Consent:				
Current Site Use (Use percentage if	site is divided in	nto differen	ıt use categ	ories)
Residential Agric	cultural	(Other	
Commercial Industrial Recreational				
Latitude/Longitude				
Latitude (degrees, min., sec., N or decimal degr Longitude (degrees, min., sec., W or decimal de				
Date of collection Organization	on providing col	lection data	a	
Check the method used to determine latitude	ude and longitud	de:		
CDC Dool Time Differentially Com				
GPS - Real Time Differentially CorrGPS - Post Processed Differentiall	ected			
Map Interpolation - Manual				
Map Interpolation - Digital				
DOQQ				
If using GPS, please state professional un If using Map Interpolation, please state wh If using DOQQ Interpolation, please state	nit brand name, i nich USGS quad	model num d map was	ber and acc used for int	curacy tolerances erpolation.
Does the latitude/longitude listed above re	fer to the:			
Center of the property?				
Main entrance to the property				
Other, please describe				

Contaminated Media and Contaminants Present

Please check the chemicals of concern within each contaminant category and the media which have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment
*VOCs				
*SVOCs				
*Heavy Metals				
*Chlorinated Solvents				
Pesticides				
TPH				
PCBs				
Other				

*Please describe	
i icase aescribe	

Involvement With Other Regulatory Programs

Please describe <u>all</u> prior involvement with any state or federal environmental regulatory programs
or agencies, including any orders, permits, notices of violations or inspections. Also provide all
state and federal identification numbers related to the site, including any solid waste, Leaking
Petroleum Storage Tank, Comprehensive Environmental Response Compensation and Liability
Information System, Resource Conservation Recovery Information System, Voluntary Cleanup
Program, etc., registration numbers which have been assigned. Attach additional sheets as
necessary. Indicate NONE if no prior involvement has occurred.

Site Investigation Report (SIR)

Two copies of the SIR conforming with the information requested in the attached <u>IOP SIR Checklist</u> must be enclosed with the application.

Owner/Operator Status

The following statements relate to Applicant A's basis for requesting an IOC. If Applicant A is applying as the billing party only and is not requesting an IOC, please check here: _____. If this is the case, you may skip the remaining statements in this subsection. Each applicant in addition to Applicant A, if any, must complete a separate Supplemental Owner/Operator Status Form and attach it to this application.

Please place an "X" in the blank next to the most applicable scenario:

_____ The Site has become contaminated as a result of a release or migration of contaminants from a source or sources not located at the Site, and I did not cause or contribute to the offsite source or sources of the contamination [SWDA §361.751(2)], OR

____ In addition to the above SWDA §361.751(2) scenario, I am the owner of the Site and I acquired it from the person who caused the release while it was still a portion of the tract on which the source of a release of contaminants is located. Before acquiring the tract, I completed an appropriate inquiry consistent with good commercial practice and as a result I did not know or have reason to know of the contamination at the Site [SWDA §361.752(b)]. I have included a copy of the "appropriate inquiry"

Please mark "True", "False", or "NA" for each of the following statements. A detailed discussion of each applicable issue should be included in the IOP SIR.

site assessment as Attachment "A" of the SIR.

True	False	NA	
Q	Q		The Site has become contaminated <u>exclusively</u> as a result of a release or migration of contaminants from a source or sources of contamination not located on or at the site.
Q	Q	Q	Contamination is present on the site from on-site sources but has been demonstrated to be distinct or divisible from the contamination that has originated from the off-site source.
Q	Q	Q	I presently own, operate or have economic interests in land or operations within $\mbox{\em 1}\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!\!$
Q	Q	Q	I formerly owned, operated or had economic interests in land or operations within $\sp4$ mile of the site.
Q	Q	Q	I have conducted activities on property adjacent to the site that may have caused or contributed to contamination on the site.

Adjacent Property Owner Information

Pursuant to 30 TAC §333.36(a) of the IOP rules, the Applicant shall notify all adjacent property owners of the Applicant's intent to obtain an IOC. The rules state that the Applicant shall mail notice of the application by certified mail, return receipt requested, to property owners adjacent to the site within 14 days of submitting the IOP application form to the TCEQ. Please refer to the IOP Application Instructions for more details regarding the notification process.

Please complete the following contact information and submit a vicinity map or aerial photograph with a description of each adjacent property's location relative to the site. Additional space is provided in the attachment titled "Supplemental Adjacent Property Information."

Property A located	_ (direction from the site)				
Owner(s)					
Contact Person		Title			
Organization		Phone <u>(</u>)	Fax ()
Address					
City	State		_ Zip Code _		
Type of land use/business _					
Property B located	_ (direction from the site)				
Owner(s)					
Contact Person		Title			
Organization		Phone <u>(</u>)	Fax ()
Address					
City	State		_ Zip Code _		
Type of land use/business _					
Property C located	_ (direction from the site)				
Owner(s)					

Organization		Phone ()	Fax ()
Address			
City	State	Zip Code	
Type of land use/business			
Property D located (direct	tion from the site)		
Owner(s)			
Contact Person			
Organization		Phone ()	Fax ()
Address			
City	State	Zip Code	
Type of land use/business			

Intent to Participate

The undersigned requests certification by the TCEQ that the site has become contaminated as a result of a release or migration of contaminants from a source or sources not located on or at the Site and that the Applicant(s) identified as owner(s) and/or operator(s) requesting an IOC have not contributed to the source or sources of the contamination referred to above. In order for the TCEQ to issue an IOC, the Applicant must provide adequate information to describe the specific contaminants which were released or migrated from a source or sources not located on or at the site. By completing and signing this Application, the Applicant or other responsible billing party designated herein agrees to pay for all TCEQ oversight costs, and state that they have the financial capability to perform actions necessary to affirm their Innocent Owner/Operator status. The TCEQ may request additional information to support this affirmation.

The Applicant does not admit or assume liability for investigation of the site. In addition, the Applicant may withdraw this Application at any time. If the TCEQ denies the Application, it will notify the Applicant and explain the reasons for denial.

Deposit of Oversight Costs

The Applicant must submit with this Application a deposit in the amount of one thousand dollars (\$1,000.00) made payable to the TCEQ. Deposits may be made in the form of company or personal checks. Cash deposits will not be accepted.

Please execute this Intent to Participate in the space below and return it to:

Attention: Cashier

Texas Commission on Environmental Quality MC- 214
P.O. Box 13088
Austin, Texas 78711-3088

For overnight or express mail please use the following street address:

Attention: Cashier

Texas Commission on Environmental Quality MC-214 12100 Park 35 Circle Austin, Texas 78753

In order to expedite the application with attachments, please be sure to send all documents to the Cashier's Office. Do not send directly to the Voluntary Cleanup Section.

Statement of Eligibility

The Executive Director of the TCEQ may deny issuance of an IOC for one or more of the following reasons: the application is incomplete; insufficient information is provided in the application or SIR to allow the TCEQ to properly evaluate the Applicant's eligibility for an IOC; the Applicant refuses to grant reasonable access to the site; or information demonstrates that the Applicant is not an innocent owner or operator (see 30 TAC §333.39).

The Executive Director may revoke an IOC if the TCEQ determines that the Applicant: withheld or misrepresented information in the Application; the Applicant fails to properly maintain required institutional and/or engineering controls; the Applicant fails to pay all agency costs relating to the issuance of the IOC within 180 days of issuance; or if the Applicant or the TCEQ discovers new information that would no longer qualify the Applicant as an innocent owner or operator (see 30 TAC §333.40).

Providing Additional Information

The TCEQ may require the Applicant to conduct further sampling and/or submit additional information during the review of this Application.

Access

The Applicant shall grant reasonable access to any person designated by the TCEQ for purposes of investigation or remediation as required by the SWDA §361.752 (c). The Applicant must also provide access to the TCEQ, its employees, contractors or agents pursuant to the SWDA §361.752(d). The Applicant must allow access to the site during the pendency of the Application and thereafter. The TCEQ may revoke an IOC if the Applicant fails to provide reasonable access (see 30 TAC §333.40).

Administrative Costs

Applicant A or other responsible billing party designated on page 2 of this application agrees to reimburse the TCEQ for all of its costs associated with review and processing of the Application. These costs may include direct and indirect costs of overhead, salaries, equipment, and utilities; legal, management, and support costs associated with the review of the Applicant's work plans and reports, and oversight of field activities, if any.

The TCEQ will track costs for review and oversight activities related to the site and provide monthly invoices to the person responsible. The Applicant or other responsible billing party shall pay these invoiced costs to the TCEQ within 30 days after receiving the TCEQ bill. If payment is not made within 30 days, the TCEQ will request the Attorney General to initiate civil proceedings to recover these costs.

Checks shall be made payable to the TCEQ and be mailed together with a transmittal letter stating the site name and IOP number and addressed to the Texas Commission on Environmental Quality, MC-214, **Attention: Cashier**, P.O. Box 13088, Austin, Texas, 78711-3088.

In the event that this Application is withdrawn for any reason, Applicant or other responsible billing party agrees to reimburse the TCEQ for all costs incurred or obligated by the TCEQ before notice of withdrawal of the Application.

Verification

The Applicant understands the provisions of this Application and affirms that the information provided herein is true and accurate.

Applicant's Signatures

Date:

Company:_____

Applicant A Name: By:_____ (signature of authorized (print or type) representative) Date:_____ Phone: () Company:_____ Applicant B Name: By: (signature of authorized (print or type) representative) Title: Date: Phone: () Company:_____ Applicant C Name: (signature of authorized (print or type) representative) Title: ______

Phone: ()

Supplemental Owner/Operator Status Form

Appl	icant		(please specify Applicant B, C, D, etc).
determ reques	nine the sting an	basis for the basis for the basis of the bas	ing an IOC must complete the following statements in order to help TCEQ for their request. If Applicant is applying as the billing party only and is not lease check here: If Applicant is applying as the billing party only and OC, you may skip the remaining statements on this form.
Please	place	an "X" iı	n the blank next to the most applicable scenario:
	fro	m a sou	as become contaminated as a result of a release or migration of contaminants urce or sources not located at the site, and I did not cause or contribute to the urce or sources of the contamination [SWDA §361.751(2)], OR
	accon I con res §3	quired it which t omplete sult I did 61.752(to the above SWDA §361.751(2) scenario, I am the owner of the site and from the person who caused the release while it was still a portion of the tract he source of a release of contaminants is located. Before acquiring the tract and an appropriate inquiry consistent with good commercial practice and as a not know or have reason to know of the contamination at the site [SWDA b)]. I have included a copy of the "appropriate inquiry" site assessment as it "A of the SIR.
			r "False" for each of the following statements. A detailed discussion of each ald be included in the IOP SIR.
True Q	False Q	NA Q	The site has become contaminated <u>exclusively</u> as a result of a release or migration of contaminants from a source or sources of contamination not located on or at the site.
Q	Q	Q	Contamination is present on the site from on-site sources but has been demonstrated to be distinct or divisible from the contamination that has originated from the off-site source.
Q	Q	Q	I presently own, operate or have economic interests in land or operations within $\frac{1}{4}$ mile of the site.
Q	Q	Q	I formerly owned, operated or had economic interests in land or operations within $\frac{1}{4}$ mile of the site.
Q	Q	Q	I have conducted activities on property adjacent to the site that may have caused or contributed to contamination on the site.
I affirm	that th	e above	e information regarding my Owner/Operator Status is true and accurate.
Ву:			Date:
Name			(print or type)

Supplemental Adjacent Property Information

Owner(s)				
Contact Person		Title		
Organization		Phone ()	Fax ()
Address		, ,	,	City
	State	Zip	Code	Type of
land use/business		·		_
Owner(s)				
Contact PersonOrganization		Title		
Organization		Phone ()	Fax ()	
Address			,	City
	State _	Zip	Code	
land use/business				
Owner(s)				
Contact Person		Title		
Organization		Phone ()	Fax ()
Address			,	City
	State	Zip Co	de	
land use/business			<u> </u>	
Owner(s)				
Contact Person		Title		
Organization		Phone ()	Fax ()	
Address			· ,	City
	State	Zip	Code	
land use/business				,,